



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

January 29, 2009

**CERTIFIED MAIL**

7008 0150 0003 7559 1504

Diking District #3  
c/o David Olson  
18385 Torset Road  
Mount Vernon, WA 98273

Dear Mr. Olson:

**RE: Coastal Zone Consistency for Corps Reference #NWS-2008-1093-NO  
U.S. Army Corps Public Notice for Individual Section 404 Permit, Drainage Maintenance  
Diking District 3 Project, Carpenter Creek, Sandy Creek, Johnson Creek, Fisher Creek,  
Hill Ditch, Fisher Slough, and Artificial Drainage Watercourses, Skagit County,  
Washington**

On August 14, 2008, Diking District #3 submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with Diking District #3's determination that the proposed work is consistent with Washington's CZMP.

You have the right to appeal this decision to the Pollution Control Hearings Board. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

OR



**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

Deliver your appeal in person to:

OR The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

**3. And send a copy of your appeal to:**

Department of Ecology  
Northwest Regional Office  
Attn: Rebekah Padgett  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website: <http://www.cho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

Sincerely,



Erik Stockdale, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

ES:rrp:cja

cc: Randel Perry, U.S. Army Corps of Engineers  
Brian Williams, Washington Department of Fish and Wildlife  
Patty Michak, Marine View Fisheries Consulting, Inc.  
Mike Rundlett, Western Washington Agricultural Association  
Mike Shelby, Western Washington Agricultural Association

e-cc: Loree' Randall – HQ  
Alice Kelly – NWRO  
Richard Grout – BFO  
Mak Kaufman – BFO  
Bob Fritzen – BFO  
Sally Lawrence – NWRO  
Dave Garland – NWRO  
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